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SUBJECT: KYRGYZ REPUBLIC--2009 TIP REPORT: PRESS GUIDANCE
AND DEMARCHE

REF: A. 2009 STATE 59732
[1](#)B. 2009 STATE 5577

[1](#)1. This is an action cable; see paras 5 through 7 and 10.

[1](#)2. On June 16, 2009, at 10:00 a.m. EDT, the Secretary will release the 2009 Trafficking in Persons (TIP) Report at a press conference in the Department's press briefing room. This release will receive substantial coverage in domestic and foreign news outlets. Until the time of the Secretary's June 16 press conference, any public release of the Report or country narratives contained therein is prohibited.

[1](#)3. The Department is hereby providing Post with advance press guidance to be used on June 16 or thereafter. Also provided is demarche language to be used in informing the Government of the Kyrgyz Republic of its tier ranking and the TIP Report's imminent release. The text of the TIP Report country narrative is provided, both for use in informing the Government of the Kyrgyz Republic and in any local media release by Post's public affairs section on June 16 or thereafter. Drawing on information provided below in paras 8 and 9, Post may provide the host government with the text of the TIP Report narrative no earlier than 1200 noon local time Monday June 15 for WHA, AF, EUR, and NEA countries and OOB local time Tuesday June 16 for SCA and EAP posts. Please note, however, that any public release of the Report's information should not/precede the Secretary's release at 10:00 am EDT on June 16.

[1](#)4. The entire TIP Report will be available on-line at www.state.gov/g/tip shortly after the Secretary's June 16 release. Hard copies of the Report will be pouched to posts in all countries appearing on the Report. The Secretary's statement at the June 16 press event, and the statement of and fielding of media questions by G/TIP's Director and Senior Advisor to the Secretary, Ambassador-at-Large Luis CdeBaca, will be available on the Department's website shortly after the June 16 event. Ambassador de Baca will also hold a general briefing for officials of foreign embassies in Washington DC on June 17 at 3:30 pm EDT.

[1](#)5. Action Request: No earlier than 12 noon local time on Monday June 15 for WHA, AF, EUR, and NEA posts and OOB local time on Tuesday June 16 for SCA and EAP posts, please inform the appropriate official in the Government of the Kyrgyz Republic of the June 16 release of the 2009 TIP Report, drawing on the points in para 9 (at Post's discretion) and including the text of the country narrative provided in para [1](#)8. For countries where the State Department has lowered the tier ranking, it is particularly important to advise governments prior to the Report being released in Washington on June 16.

[1](#)6. Action Request continued: Please note that, for those countries which will not receive an "action plan" with specific recommendations for improvement, posts should draw host governments' attention to the areas for improvement identified in the 2009 Report, especially highlighted in the "Recommendations" section of the second paragraph of the

narrative text. This engagement is important to establishing the framework in which the government's performance will be judged for the 2010 Report. If posts have questions about which governments will receive an action plan, or how they may follow up on the recommendations in the 2009 Report, please contact G/TIP and the appropriate regional bureau.

¶7. Action Request continued: On June 16, please be prepared to answer media inquiries on the Report's release using the press guidance provided in para 11. If Post wishes, a local press statement may be released on or after 10:30 am EDT June 16, drawing on the press guidance and the text of the TIP Report's country narrative provided in para 8.

¶8. Begin Final Text of the Kyrgyz Republic's country narrative in the 2009 TIP Report:

Kyrgyz Republic (TIER 2)

The Kyrgyz Republic is a source, transit, and to a lesser extent, a destination country for men and women trafficked from Uzbekistan, Tajikistan, Turkmenistan, and South Asia for purposes of forced labor and commercial sexual exploitation. Men and women are trafficked to Kazakhstan and Russia for the purpose of forced labor in the agricultural, construction, and textile industries. Kyrgyz and foreign women are trafficked to the U.A.E, Kazakhstan, China, South Korea, Turkey, Greece, Cyprus, Thailand, Germany, and Syria for commercial sexual exploitation. The city of Osh is a growing destination for women trafficked from Uzbekistan for the purpose of commercial sexual exploitation.

The Government of the Kyrgyz Republic does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Human trafficking complicity of low-level government officials remained a concern. The government maintained good efforts to protect and assist Kyrgyz labor migrants and potential trafficking victims in key destination countries. In September 2008, the government enacted a new anti-trafficking national action plan.

Recommendations for Kyrgyz Republic: Increase efforts to prosecute and convict trafficking offenders and ensure that a majority of convicted trafficking offenders serve time in prison; vigorously investigate, prosecute, convict, and punish government officials complicit in trafficking; continue to improve the collection of trafficking law enforcement data; continue trafficking sensitivity training for police, prosecutors, and judges; continue efforts to repatriate expeditiously Kyrgyz victims found abroad; ensure that victims of trafficking are not punished for acts committed as a direct result of being trafficked; and encourage greater registration of newborns, thereby reducing the number of undocumented persons vulnerable to trafficking.

Prosecution

The Kyrgyz government improved its collection of trafficking-specific law enforcement data, although it demonstrated weak law enforcement efforts during the reporting period. The 2005 Law on Prevention and Combating Trafficking in Persons criminalizes trafficking for both sexual exploitation and forced labor and prescribes penalties ranging from 3 to 20 years' imprisonment, which are sufficiently stringent and commensurate with prescribed penalties for other grave crimes, such as rape. In 2008, the government conducted 92 investigations, according to its definition of trafficking -- which appears broader than the U.S. Government's definition -- an increase from 33 investigations in 2007. The government reportedly prosecuted eight defendants and secured the convictions of six trafficking offenders in 2008. Four of the six convicted trafficking offenders in 2008 received suspended sentences.

Sentences for the other two convicted traffickers ranged from three to eight years' imprisonment. NGOs contend that some low-level law enforcement officials are complicit in human trafficking and accept bribes from traffickers; other low-level police tolerate trafficking due to a lack of awareness. The government reported no efforts to investigate, prosecute, convict, or punish these complicit government officials.

Protection

The government sustained modest efforts to assist victims during the reporting period. The government and NGOs identified 161 victims of trafficking in 2008, compared to 331 victims identified in 2007. Although the government provided no direct funding for shelter or medical assistance to victims, it continued to provide space for three shelters run by anti-trafficking NGOs. In 2008, thirty-four of the 117 victims assisted by NGOs and international organizations were assisted by shelters that received in-kind government assistance. Government officials referred 20 victims to IOM and NGOs for assistance in 2008, a significant increase from four victims so referred in 2007. Victims were encouraged to participate in trafficking investigations and prosecutions. Victims who cooperated with law enforcement investigations were not penalized for crimes committed as a direct result of being trafficked; there were no reports of victims who did not cooperate with law enforcement being penalized during the reporting period. NGOs reported improved efforts by government officials to quickly repatriate Kyrgyz nationals; in previous years, some victims remained in destination countries for several months awaiting the Kyrgyz government's issuance of necessary travel documents.

Prevention

Kyrgyzstan maintained its limited human trafficking prevention efforts over the last year. The government continued to publish brochures and leaflets in both Kyrgyz and Russian languages advising Kyrgyz nationals seeking work abroad of the dangers of trafficking and providing the numbers for trafficking assistance hot-lines in several key destination countries. The Kyrgyz government maintained migration offices in six key destination cities in Russia to assist and advise its nationals vulnerable to labor trafficking of their rights and also provided in-kind assistance to an NGO-run national labor migration hotline that provided legal advice and assistance to potential victims of trafficking.

19. Post may wish to deliver the following points, which offer technical and legal background on the TIP Report process, to the host government as a non-paper with the above TIP Report country narrative:

(begin non-paper)

-- The U.S. Congress, through its passage of the 2000 Trafficking Victims Protection Act, as amended (TVPA), requires the Secretary of State to submit an annual Report to Congress. The goal of this Report is to stimulate action and create partnerships around the world in the fight against modern-day slavery. The USG approach to combating human trafficking follows the TVPA and the standards set forth in the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (commonly known as the "Palermo Protocol"). The TVPA and the Palermo Protocol recognize that this is a crime in which the victims' labor or services (including in the "sex industry") are obtained or maintained through force, fraud, or coercion, whether overt or through psychological manipulation. While much attention has focused on international flows, both the TVPA and the Palermo Protocol

focus on the exploitation of the victim, and do not require a showing that the victim was moved.

-- Recent amendments to the TVPA removed the requirement that only countries with a "significant number" of trafficking victims be included in the Report. Beginning with the 2009 TIP Report, countries determined to be a country of origin, transit, or destination for victims of severe forms of trafficking are included in the Report and assigned to one of three tiers. Countries assessed as meeting the "minimum standards for the elimination of severe forms of trafficking" set forth in the TVPA are classified as Tier 1. Countries assessed as not fully complying with the minimum standards, but making significant efforts to meet those minimum standards are classified as Tier 2. Countries assessed as neither complying with the minimum standards nor making significant efforts to do so are classified as Tier 3.

-- The TVPA also requires the Secretary of State to provide a "Special Watch List" to Congress later in the year. Anti-trafficking efforts of the countries on this list are to be evaluated again in an Interim Assessment that the Secretary of State must provide to Congress by February 1 of each year. Countries are included on the "Special Watch List" if they move up in "tier" rankings in the annual TIP Report -- from 3 to 2 or from 2 to 1 -- or if they have been placed on the Tier 2 Watch List.

-- Tier 2 Watch List consists of Tier 2 countries determined: (1) not to have made "increasing efforts" to combat human trafficking over the past year; (2) to be making significant efforts based on commitments of anti-trafficking reforms over the next year, or (3) to have a very significant number of trafficking victims or a significantly increasing victim population. As indicated in reftel B, the TVPRA of 2008 contains a provision requiring that a country that has been included on Tier 2 Watch List for two consecutive years after the date of enactment of the TVPRA of 2008 be ranked as Tier 13. Thus, any automatic downgrade to Tier 3 pursuant to this provision would take place, at the earliest, in the 2011 TIP Report (i.e., a country would have to be ranked Tier 2 Watch List in the 2009 and 2010 Reports before being subject to Tier 3 in the 2011 Report). The new law allows for a waiver of this provision for up to two additional years upon a determination by the President that the country has developed and devoted sufficient resources to a written plan to make significant efforts to bring itself into compliance with the minimum standards.

-- Countries classified as Tier 3 may be subject to statutory restrictions for the subsequent fiscal year on non-humanitarian and non-trade-related foreign assistance and, in some circumstances, withholding of funding for participation by government officials or employees in educational and cultural exchange programs. In addition, the President could instruct the U.S. executive directors to international financial institutions to oppose loans or other utilization of funds (other than for humanitarian, trade-related or certain types of development assistance) with respect to countries on Tier 3. Countries classified as Tier 3 that take strong action within 90 days of the Report's release to show significant efforts against trafficking in persons, and thereby warrant a reassessment of their Tier classification, would avoid such sanctions. Guidelines for such actions are in the DOS-crafted action plans to be shared by Posts with host governments.

-- The 2009 TIP Report, issuing as it does in the midst of the global financial crisis, highlights high levels of trafficking for forced labor in many parts of the world and systemic contributing factors to this phenomenon: fraudulent recruitment practices and excessive recruiting fees in workers' home countries; the lack of adequate labor protections in both sending and receiving countries; and the flawed design of some destination countries' "sponsorship systems" that do not give foreign workers adequate legal recourse when faced with conditions of forced labor. As the May 2009 ILO Global Report on Forced Labor concluded, forced

labor victims suffer approximately \$20 billion in losses, and traffickers' profits are estimated at \$31 billion. The current global financial crisis threatens to increase the number of victims of forced labor and increase the associated "cost of coercion."

-- The text of the TVPA and amendments can be found on website www.state.gov/g/tip.

-- On June 16, 2009, the Secretary of State will release the ninth annual TIP Report in a public event at the State Department. We are providing you an advance copy of your country's narrative in that report. Please keep this information embargoed until 10:00 am Washington DC time June 16. The State Department will also hold a general briefing for officials of foreign embassies in Washington DC on June 17 at 3:30 pm EDT.

(end non-paper)

10. Posts should make sure that the relevant country narrative is readily available on or through the Mission's web page in English and appropriate local language(s) as soon as possible after the TIP Report is released. Funding for translation costs will be handled as it was for the Human Rights Report. Posts needing financial assistance for translation costs should contact their regional bureau's EX office.

11. The following is press guidance provided for Post to use with local media.

Q. Why is the Kyrgyz Republic on Tier 2?

A. The Government of the Kyrgyz Republic does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Human trafficking complicity of low-level government officials remained a concern and reported law enforcement efforts to prosecute, convict, and punish traffickers was modest.

Q. What progress has the Kyrgyz Republic made in the past year?

A. The government maintained good efforts to protect and assist Kyrgyz labor migrants and potential trafficking victims in key destination countries. In September 2008, the government enacted a new anti-trafficking national action plan.

Q. What can the Kyrgyz Republic do to further the fight against trafficking in persons?

A. Increase efforts to prosecute and convict trafficking offenders and ensure that a majority of convicted trafficking offenders serve time in prison; vigorously investigate, prosecute, convict, and punish government officials complicit in trafficking; continue to improve the collection of trafficking law enforcement data; continue trafficking sensitivity training for police, prosecutors, and judges; continue efforts to repatriate expeditiously Kyrgyz victims found abroad; ensure that victims of trafficking are not punished for acts committed as a direct result of being trafficked; and encourage greater registration of newborns, thereby reducing the number of undocumented persons vulnerable to trafficking.

12. The Department appreciates posts' assistance with the preceding action requests.

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